



MEMORANDUM

To: PLANNING COMMISSION

Date: July 25, 2006

From: COMMUNITY DEVELOPMENT DEPARTMENT

Subject: POLICY FOR TENTATIVE MAP APPROVAL PRIOR TO AWARD OF ALLOCATIONS.

REQUEST

A request for Planning Commission review of a proposed City Council policy which would allow the Planning Commission to approve tentative subdivision maps which include lots which have not yet received building allocation through the Residential Development Control System RDCS.

DISCUSSION

Currently the Planning Division will not process a residential tentative map unless each of the requested lots has secured a building allocation through the City's RDCS process. This practice stems from the following General Plan statement: "No residential development shall be undertaken, and no discretionary or building permit shall be issued, in the City of Morgan Hill unless a development allotment has been obtained."

The phrase "No residential development shall be undertaken," as been interpreted as the creation of the residential lot. Given that the actual creation of the lot occurs at the recordation of the final map, staff is inquiring about the processing of non-vesting tentative maps for large on-going residential projects which are not fully allocated but meet the following criteria:

- The overall project must have an approved precise development plan.
- The project must be an on-going project with a minimum of 50 percent of the units under construction per the City's commencement of construction definition.
- The tentative map shall be non vesting.
- The recordation of a final map will not be permitted until allocations are secured under the RDCS and a development agreement has been recorded.
- The tentative map approval would expire after two years (or sooner as specified by the Planning Commission) and the tentative map approval period will not be extended through the filing of a final map but may be extended through separate application and approval by the Planning Commission.

Due to the RDCS, large projects can take 5-10+ years to complete. The subdivision application process is currently divided into multiple tentative map applications which correspond to the number of allocations awarded to a project. Currently, an applicant cannot submit for final map approval with the Public Works Department without having first obtained a tentative map approval through the Planning Commission.

With the adoption of the above policy, on-going projects with approved RPDs that are 50 percent built out, can file a non-vesting tentative map for the remainder of the project. When an on-going project with a tentative map approval receives allocations, the applicant would still need to file for development agreement approval and prepare a final map for recordation which corresponds to the number of allocations awarded. For example, if an on-going project with a tentative map approval received 15 allocations, the applicant would need to file only a Development Agreement application with the Planning Division and would be able to immediately file for a final map approval with the Public Works Department.

Having a tentative map approval, allows applicants to proceed with final map approval immediately upon receiving allocations. While the final map is in process with the Public Works Department, the Planning Division would be processing the corresponding development agreement. Prior to the recordation of the final map, the policy requires that the corresponding development agreement be recorded. By having a tentative map approval, the applicant would be able to get a 6-8 week head start on the processing of the final map with the Public Works Department. The applicant would also save money by not having to pay multiple application processing fees for multiple tentative map approvals. Staff time would also be saved by reviewing a single tentative map as opposed to multiple.

This policy would also allow projects receiving reassigned building allocations to act quickly by being able to immediately begin processing a final map. Projects which are in the position to create lots quickly are in a better position to utilize re-assigned allocations which often have significant time limits for commencement of construction.

As currently limited within the subdivision ordinance, the policy proposes that a tentative map approval would be good for only a 2 year period (unless the Commission approves otherwise). Projects with a tentative map approval which are not full allocated in two years would need to file for an extension of time on the tentative map approval. As part of the extension of time request, the City could review the conditions of the tentative map and modify if needed, conditions of approval to adjust for changes in City standards.

RECOMMENDATION

It is recommended that the Commission review and discuss the attached policy and recommend City Council approval.

CITY OF MORGAN HILL

CITY COUNCIL POLICIES AND PROCEDURES

CP-

SUBJECT: TENTATIVE SUBDIVISION MAP APPROVAL PRIOR TO THE AWARD OF BUILDING ALLOCATIONS THROUGH THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM.

EFFECTIVE DATE:

REVISION DATE:

Pursuant to the General Plan, the Residential Development Control RDCS, applies to all residential development in the city and to any residential development that requires provision of urban services by the City. Specifically the General Plan states that "No residential development shall be undertaken, and no discretionary or building permit shall be issued, in the City of Morgan Hill unless a development allotment has been obtained."

The creation of residential lots beyond the provision for a single lot exemption has always been required to first secure building allotment through the RDCS. To minimize City processes and facilitate the completion of large, on-going residential developments the City will allow for the processing of tentative subdivision maps which exceed the number of allocations currently assigned to a development if the following criteria are met:

- The overall project must have an approved precise development plan.
- The project must be an on-going project with a minimum of 50 percent of the units under construction per the City's commencement of construction definition.
- The tentative map shall be non-vesting.
- The recordation of a final map will not be permitted until allocations are secured under the RDCS and a development agreement has been recorded.
- The tentative map approval would expire after two years (or sooner as specified by the Planning Commission) and the tentative map approval period will not be automatically extended through the filing of a final map but may be extended through separate application and approval by the Planning Commission.

This policy shall remain in effect until modified by the City Council.

APPROVED:

DENNIS KENNEDY, MAYOR